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Summary record of the 24th meeting
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Chairman : Mr. Maertens (Vice-Chairman) ..... (Belgium)

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The meeting was called to order at 3.15 p.m.

Agenda item 110: Advancement of women *(continued)* (A/C.3/58/L.18, A/C.3/58/L.20 and A/C.3/58/L.21)

Draft resolution A/C.3/58/L.18

1. **Ms. Banzón** (Philippines) presented draft resolution A/C.3/58/L.18 entitled "Violence against women migrant workers" and stated that Bangladesh, Guatemala, Paraguay and Peru had joined as sponsors. She also announced that Burundi was not one of the sponsors.

2. The existing resolution on the subject, approved by the General Assembly at its fifty-sixth session, had been updated to take account of the recent entry into force of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, thereby offering a practical opportunity for all countries to strengthen their commitment towards international cooperation to protect human rights and the dignity of migrants throughout the world. In the current year, special emphasis was being placed on the situation of migrant women, who were particularly vulnerable to many forms of violence.

3. The speaker informed the Committee that paragraph 16 of the operative part of the draft resolution ought to say:

> "Welcomes the imminent entry into force of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and encourages Governments to consider signing and ratifying or acceding to the Protocols;".

4. **The Chairman** stated that Burkina Faso, Costa Rica, the Democratic Republic of the Congo, Haiti, Senegal, Swaziland and Timor-Leste had joined as sponsors of the draft resolution.

Draft resolution A/C.3/58/L.20

5. **Ms. Gunnarsdottir** (Iceland) presented draft resolution A/C.3/58/L.20, entitled "Convention on the Elimination of all Forms of Discrimination against Women", on behalf of the Nordic countries and other sponsors totalling 109 Member States, and announced that the following had joined as sponsors: Australia, Azerbaijan, Belarus, Bosnia and Herzegovina, Botswana, Brazil, Burundi, Cambodia, Central African Republic, Cuba, Ecuador, Estonia, Gambia, Guinea-Bissau, Haiti, Indonesia, Jamaica, Kenya, Lithuania, Madagascar, Mozambique, Namibia, Papua New Guinea, Paraguay, People's Republic of China, Peru, Romania, Samoa, Serbia and Montenegro, Sierra Leone, Suriname, The former Yugoslav Republic of Macedonia, Tunisia, Uganda, Viet Nam and Zambia.

6. At the present time, there were 174 States parties to the Convention on the Elimination of all Forms of Discrimination against Women. The sponsors hoped that universal ratification would soon be achieved.

7. **The Chairman** informed the Committee that Jordan, Malawi and Zimbabwe had joined as sponsors of the draft resolution.

Draft resolution A/C.3/58/L.21

8. **Ms. Enkhtsetseg** (Mongolia), presenting draft resolution A/C.3/58/L.21 entitled "Improvement of the Situation of Women in Rural Areas", announced that Bangladesh, Costa Rica, the Dominican Republic, Myanmar, Panama and the People's Republic of China had joined as sponsors. She stated that gender equality in rural areas and the elimination of discrimination on gender grounds were not only objectives in themselves but also necessary to achieve the Millennium Development Goal of reducing the number of people living in poverty by half by 2015.

9. **The Chairman** informed the Committee that Argentina, Botswana, Burkina Faso, Congo, Ecuador, Ethiopia, Fiji, Philippines, Ghana, Guyana, Haiti, Kenya, Malawi, Namibia, Nigeria, South Africa, Thailand, Timor-Leste, Uruguay, Zambia and Zimbabwe had joined as sponsors of the draft resolution.

Agenda item 115: Elimination of Racism and Racial Discrimination

(a) Elimination of Racism and Racial Discrimination (A/58/3, A/58/18, A/58/80-E/2003/71 and A/58/313)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Plan of Action (A/58/324 and A/58/331)

Agenda item 116: Right of Peoples to Self-Determination (A/58/115 and A/58/180)

10. **Mr. Ndiaye** (Director of the New York office of the Office of the United Nations High Commissioner for Human Rights), referred to the reports of the Secretary General prepared in relation to agenda item 115, in response to the request made by the General Assembly in resolution 57/195, reminded members of the Committee that the report of the Committee for the Elimination of Racial Discrimination (A/58/18) would be reviewed at the fifty-ninth session along with the Secretary General's report on the financial situation of the Committee and the status of the Convention. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance would present his interim report on the subject (A/58/313). The Secretary-General's report on implementation of the Programme of Action for the Third Decade of the Fight against Racism and Racial Discrimination (A/58/80-E/2003/71) provided an overview of the results of activities undertaken during the course of the decade, the most important of which had been the World Conference held in Durban (South Africa) in September 2001.

11. Pursuant to General Assembly resolution 56/266, the Secretary General had sent to the Assembly the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/58/324). The report contained information on activities aimed at implementing the Durban Declaration and Programme of Action undertaken by States, the Office of the United Nations High Commissioner for Human Rights, United Nations organs and specialized agencies, regional and international organizations, non-governmental organizations and youth groups.

12. The main objective of the Office of the High Commissioner was to ensure that the various stakeholders implemented the Durban Declaration and Programme of Action. For that purpose, the Office firstly provided services to follow-up mechanisms to the world conference, such as the Eminent Persons Group, the Working Group of Experts on Persons of African Descent, and the Intergovernmental Working Group on the Comprehensive Implementation of the Durban Declaration and Programme of Action. Secondly, the Office carried out technical cooperation projects at the national level. Thirdly, the Office was the main body responsible for integrating the Durban Declaration and Programme of Action into United Nations mandates, programmes and projects. Lastly, the link with non-governmental organizations and youth organizations involved periodically exchanging information with such entities, and facilitating their participation in the meetings, seminars and workshops organized by the Office.

13. The Office of the High Commissioner had organized several seminars on the fight against racism in 2003: one in Paris, convened jointly by the Office and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to prepare a publication to combat racism and promote tolerance; one in Montevideo, in collaboration with the Government of Uruguay, on affirmative action on behalf of people of African descent in Latin America and the Caribbean; and one in Prague, in cooperation with the Czech Republic, on the follow-up to the World Conference in the States of eastern Europe. In addition, the Office was organizing a regional seminar in collaboration with the Government of Belgium, on the follow-up to the Conference in the States of Western Europe, to be held in Brussels in December that year.

14. In relation to agenda item 116, relating to the right of peoples to self-determination, the Secretary-General had presented a report (A/58/180) which contained a summary of the reply of Georgia, a report on the review of the subject by the Commission on Human Rights in its fifty-ninth session, and a note accompanying the report of the Special Rapporteur on the issue of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/58/115). On that issue, the Office of the High Commissioner for Human Rights had recently published a leaflet on the adverse effect of mercenary activities on the right of peoples to self-determination.

15. **Mr. Diène** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that the greatest challenge that the Commission had had to face in fulfilling its mandate had been to examine issues that had a long

history and were deep-rooted, such as racism, in the short time available to it, while strictly adhering to the principles of independence, objectivity and impartiality. Meeting that challenge required cooperation from Governments and full access to the affected populations. In that regard, the Special Rapporteur was grateful for cooperation from the Governments of Canada, Colombia, Guyana, and Trinidad and Tobago - countries that he had recently visited - and he hoped to receive similar support in his forthcoming visit to Côte d'Ivoire. The final report on those visits would be presented to the Commission on Human Rights at its next session.

16. The interim report presented to the Third Committee summarized the main observations and recommendations arising from the visits made to Guyana and Trinidad and Tobago in July 2003, but no reference was made to recent visit to Canada and Colombia. Nonetheless, the Rapporteur wished to highlight two important common factors that allowed for a comparative reflection and, at the same time, an exchange information and experiences between those four countries. Firstly, all of them shared a profound legacy of racism and discrimination, resulting from the historical conditions of conquest, slavery and colonization through which the different communities had come into contact with each other. Secondly, all agreed on the need to transform a de facto multiculturalism, which was conflictive and unequal, into a democratic and egalitarian cultural pluralism that would respect the individual characteristics of each community and at the same time promote interaction and unity. The central pillar of the recommendations made in the final report involved linking the fight against racism and discrimination to long-term promotion of a genuine multiculturalism that did not consist merely of the juxtaposition of communities, but would result in a genuinely integrated, dynamic and democratic society.

17. The Special Rapporteur hoped that the interim report would draw the General Assembly's attention to two serious manifestations of racism and discrimination. The first was racism in sports, which was reflected in an increase in physical and verbal violence in an activity that ought to be founded on promotion of respect, equality and humanity. The second was the caste problem, a form of discrimination that was deeply rooted in the values system of a number of societies, resistant to change, and massive given the demographic size of the communities that were its victims in different continents. The Special Rapporteur would give special attention to that issue in his next report, in close collaboration with the authorities of the affected countries, particularly in Asia and Africa, and with the Committee on the Elimination of Racial Discrimination.

18. Regarding follow-up to the World Conference against Racism held in Durban, the Special Rapporteur drew attention to a number of recent trends that were particularly worrying. The first was the climate of intolerance, xenophobia and discrimination created by certain policies and practices in the fight against terrorism, which targeted entire communities, cultures and religions, and also foreigners, immigrants and refugees. The second was the resurgence in all continents of racist and xenophobic acts towards communities that had suffered discrimination throughout history, as reflected in an increase in anti-Semitism and Islamophobia. The third was the appearance in intellectual circles and communications media of theories based on historical revisionism or the interpretation of scientific ideas drawn from demography or genetics, for example, that justified and legitimized historical and recent acts of discrimination. The fourth was the appearance of an amalgam of religious, racial and cultural elements, in the definition of identity, and the rejection of everything external. The fifth was the persistence of the racist and discriminatory mentality, even in countries that had adopted strong measures against racism and discrimination, in order to assume their multiculturalism or deal with their recent history. Counteracting those trends required democratic political resolve, along with strict vigilance in the ethical and legal domains; social and economic policies in spheres where discrimination was most widespread, such as education, health, employment; and the acceptance of cultural pluralism.

19. Lastly, the Special Rapporteur stressed that the lack of international consensus for implementation of the Plan of Action of the Durban Conference was not only hampering the development of national and regional strategies against racism, discrimination and xenophobia, but also left the international community without a clear and resolute strategy to combat such problems.

20. **Mr. Cavallari** (Italy), speaking on behalf of the European Union, asked the Special Rapporteur for a

specific example of its collaboration with the Committee on the Elimination of Racial Discrimination and other mechanisms in the fight against racism.

21. **Ms. Khalil** (Egypt) thanked the Special Rapporteur for his statement, reiterated Egypt's support for his work, and asked what the criteria the Rapporteur used to choose the countries he visited. In particular, she wanted to know whether the decision was based on information received regarding manifestations of racism and discrimination, or on a criterion of geographic distribution. She also enquired about the status of the study on the situation of Muslim and Arab peoples in the aftermath of the events of 11 September, and the difficulties encountered in preparing the study.

22. **Ms. Verrier-Frechette** (Canada) thanked the Special Rapporteur for his visit to her country, which had provided an opportunity to observe Canada's cultural, ethnic and linguistic diversity and confirm its commitment to multiculturalism and the fight against racism and discrimination. The Special Rapporteur's visit had been well received by officials at all levels of Government, by indigenous communities and their leaders, and by representatives of the different ethnic, racial and religious communities and non-governmental organizations. Canada reaffirmed its resolve to continue fighting for the elimination of racism and discrimination in all its forms, and to continue working with the international community to achieve that objective.

23. Canada was greatly looking forward to the observations and recommendations of the Special Rapporteur, whose work was of fundamental importance. It trusted that the Rapporteur's visit, together with his report and the follow-up activities, would be an excellent example of the benefits that States could gain from their cooperation with the special procedures of the Commission on Human Rights, and she urged States that had not yet done so to collaborate actively with those procedures.

24. **Ms. Al Haj-Ali** (Syrian Arab Republic) thanked Mr. Ndiaye and Mr. Diène for their statements, and asked the Special Rapporteur what criteria he applied to information provided by non-governmental organizations. In particular, she wanted to know whether such information was selected on a geographic criterion or according to the issue in question.

25. Paragraph 35 of the report (A/58/313) mentioned the study of the situation of Muslim and Arab peoples in the aftermath of the events of 11 September. The Syrian Arab Republic considered that study to be very important, and wanted to know whether it would be presented at the next session of the General Assembly or only to the Commission on Human Rights.

26. **Mr. Diène** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, the racial discrimination, xenophobia and related intolerance) thanked the Government of Canada for issuing a permanent invitation to the Special Rapporteur, and for having ensured his freedom of movement on the ground and unfettered access to the affected communities and civil society.

27. In reply to the question by the Syrian Arab Republic and Egypt, the Special Rapporteur said that the report on the situation of Muslim and Arab peoples in the aftermath of the events of 11 September would be presented to the Commission on Human Rights at its March 2004 session, and doubtless would also be sent to the General Assembly. With regard to the challenges and difficulties encountered in preparing the report, the Special Rapporteur said that the risk of fomenting new forms of discrimination against religious and cultural communities in the legitimate fight against terrorism was a very sensitive issue. Firstly, it was necessary to obtain precise, objective and trustworthy information from all Member States on the situation of Arab and Muslim peoples in their countries, for comparison with information received directly from the affected communities and non-governmental organizations working in that area of human rights. Secondly, there was a danger that the fight against terrorism would spawn a dynamic of conflicts between cultures, civilizations and religions. Acts of hostility against those communities occurred on three levels. In society, fear, resentment or lack of information on the events of 11 September generated animosity against Arab and Muslim people. At the ideological level, a number of intellectuals had attempted to legitimize the ostracism of Arab and Muslim people in their countries; such acts were very worrying. The third level concerned Governments, most of which had issued clear statements deploring hostile acts against Arab and Muslim communities; but statements of intent did not always concur with the policies and legislative or judicial measures that they had adopted towards certain population groups.

28. In response to the question raised by Italy on behalf of the European Union concerning cooperation with other mechanisms, the Special Rapporteur said that such cooperation was essential since the scale of the racism and discrimination problems was such that no mechanism could address them on its own. In that regard, the Special Rapporteur had requested a meeting with the Committee on the Elimination of Racial Discrimination to exchange information on their respective mandates and on ways to coordinate their activities. For example, before visiting a country, it was essential for the Special Rapporteur to be aware of the Committee's comments and recommendations on the corresponding country report, in order to select the problems to be addressed during his visit. For that reason, the Special Rapporteur had asked the Inter-American Commission on Human Rights for its cooperation, and it proposed to do the same with the African Commission on Human Rights. The Special Rapporteur had also requested cooperation from other Special Rapporteurs, and whenever the complexity of the situation in a given country so demanded, he would ask one of them to accompany him in on a joint mission. Discrimination and racism were reflected in education, health and employment, and situations could arise in which it was necessary for a Special Rapporteur responsible for one of those issues to accompany him. In fact in his forthcoming visit to Côte d'Ivoire he would be accompanied by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

29. **Mr. Ndiaye** (Director of the New York office of the Office of the United Nations High Commissioner for Human Rights), replying to the question raised by the Syrian Arab Republic on the criteria used to select non-governmental organizations, said that the Office of the High Commissioner worked closely with those organizations to oversee violations of the principle of non-discrimination, and to closely monitor progress made in the fight against racism, racial discrimination, xenophobia and related intolerance. Although most non-governmental organizations mentioned in the report (A/58/313) had observer status in the Economic and Social Council, that had not been used as a criterion for excluding any organization. The necessary steps had always been taken to achieve maximum participation from non-governmental organizations representing the victims of various forms of racism, racial discrimination, xenophobia, anti-Semitism, Islamophobia, Negrophobia and other related intolerance. No organization was excluded if their purposes and actions were consistent with the framework of the Durban Declaration and Programme of Action.

30. **Ms. Mohamed Ahmed** (Sudan) asked the Special Rapporteur about the possibilities of cooperating with United Nations agencies, particularly the Office of the United Nations High Commissioner for Refugees, and with countries interested in studying the problems faced by refugees and immigrants, particularly in the context of recent international events. In relation to the task of obtaining information from non-governmental organizations and States, and bearing in mind the questions raised by other delegations on the study that the Special Rapporteur intended to make of the situation of Muslim and Arab peoples in the aftermath of the events of 11 September 2001, she wanted to know how the Special Rapporteur would address the issue of prejudice against Muslims. She also asked what steps would be taken to ensure that non-governmental organizations would be as broadly represented as possible, including Islamic organizations in particular, and also that a representative sample of States would be consulted.

31. **Mr. Amorós Núñez** (Cuba) noted that the Special Rapporteur's report mentioned racist propaganda disseminated over the Internet, as a phenomenon that seemed to have increased appreciably in recent times. Nonetheless, although the report alluded to the Additional Protocol to the Convention on Cybercrime Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems, which could possibly be used to combat that phenomenon, no concrete measure was proposed. Her delegation wanted the Special Rapporteur to make recommendations on the subject. With regard to the issue of racism in sport, another new issue in reports of that type, while the report made an important general recommendation, her delegation would like to receive further information.

32. **Mr. Djagone-Bi** (Côte d'Ivoire) said that his country's Government would do everything possible to make the Special Rapporteur's visit a success. Most of the reports published on Côte d'Ivoire, particularly since the outbreak of armed rebellion promoted from abroad, had served to make observers more objective and more aware of the country's problems. The forthcoming visit of the Special Rapporteur to Côte d'Ivoire had aroused great expectations in official

circles and among civil society. It was to be hoped that the conflict would end as soon as possible, to enable the Special Rapporteur to travel without danger throughout the country.

33. **Mr. Talbot** (Guyana) thanked the Special Rapporteur for his recent visit to Guyana, in which he had been able to gain a first-hand view of the problems of racism and racial discrimination in that country, and the measures adopted by the Government, in conjunction with society at large, to resolve them. The openness and impartiality of the Special Rapporteur, who during his visit was able to hold conversations with as many groups in society as possible, and his interest in hearing opinions on all sides, had made an excellent impression. While dealing with outstanding issues, the Government of Guyana hoped to maintain a constructive dialogue with the Office of the Special Rapporteur. The problems that existed in his country stemmed from earlier periods and were deeply rooted; but political will and commitment by the Government and society stakeholders would make it possible to find solutions and ensure that the whole population could live with dignity in Guyana.

34. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), replying to the question raised by the delegation of Sudan, said that non-nationals were clearly a specially vulnerable group at the present time, particularly refugees and immigrants, who were victims of discrimination not only because of their social and economic situation and political status, but also because of their ethnic origin, given that, for historical reasons, large-scale migratory and refugee movements often had an ethnic structure. Such groups had been rendered even more vulnerable to discrimination by events in the aftermath of the 11 September 2001. It was therefore necessary to ask international organizations and States to take special measures to protect and defend them, as a number of countries had already started to do. It would also be important for the various mechanisms that usually acted separately in the human rights domain to coordinate their activities in relation to those groups. As regards the report on the situation of Arab and Muslim peoples, he replied that he had made contact with various bodies and organizations, particularly with non-governmental organizations from the Arab and Islamic world, to ask them to provide objective, proven and detailed information, which he had already used in previous reports and would use again in the report currently being prepared. Any assistance in completing the information would be welcomed.

35. In reply to the question raised by Cuba, he said that the Internet raised problems that could not be ignored because it was a medium in which new forms of discrimination were arising. The problems were complex, not least because a conflict could arise between respect for freedom of expression, which in some countries was a fundamental principle, and respect for the values that the international community had enshrined in agreements against racism, a racial discrimination, xenophobia and related intolerance. It was therefore not easy to combat racist propaganda on the Internet effectively without infringing those principles. Various groups were making an in-depth study of information and databases on the issue to strictly define the scope of the problem; and both countries and non-governmental organizations were seeking legal solutions to reconcile the principles that were in conflict.

36. In reply to the questions on racism in sport, the speaker described it was a daily reality that affected all sporting disciplines. The first measure that the General Assembly should adopt, while respecting the jurisdiction of each institution, was to ask international sporting bodies to take responsibility for recognizing manifestations of racism and discrimination in sport, and to combat them with determination. Several sporting organizations had already taken steps in that direction, and a number of high-level sportsmen and women from all disciplines had mobilized on behalf of that cause. Close coordination was needed between those sporting entities, United Nations bodies and the Special Rapporteur. In the final analysis, however, the responsibility fell on Member States, which, in addition to respect for the international conventions and agreements to which they were party, had to ensure that the rule of law also operated in the domain of sport, with manifestations of racism and racial discrimination being sanctioned in exemplary, visible and decisive form. It had to be recognize that sport was greatly influenced by nationalism; as could be seen every day, the national structure of teams meant that sports competitions incited nationalist passions. The ethical dimension of sporting tournaments, based on conditions of equality, was completely neutralized by nationalist fervour, which unfortunately all countries shared. Moreover, there were groups on the extreme

right of the political spectrum that were using sport, mythicized in certain racist and discriminatory ideologies that considered physical strength to be a superior attribute, to articulate racist attitudes. The harsh reality was that all major sporting competitions had become occasions to externalize manifestations of racism and discrimination, both verbal and physical, on all continents. Although the recommendations proposed were of a provisional nature, it would ultimately be possible to eradicate the phenomenon and restore the values of equality and mutual respect in sport if the General Assembly issued a call to international organizations and all countries to tackle the threat.

37. With regard to the statement made by Côte d'Ivoire, he said that his visit to that country together with the Special Rapporteur on the right to freedom of opinion and expression, as proposed by the Government, would depend on the safety and access conditions that could be guaranteed, because Rapporteurs needed to be protected against any risk of violence and have access to all communities if their journey to the country was to be meaningful. Such conditions could be achieved if the Government took appropriate measures, in coordination with United Nations representatives on the ground. The Special Rapporteur stated that his report on Côte d'Ivoire, would be objective and balanced. He had read previous reports by various United Nations bodies and mechanisms, and had asked the Ambassador of Côte d'Ivoire for the information his Government had contributed in reply to those reports.

38. With regard to Guyana, the Special Rapporteur expressed his gratitude for the Government's hospitality and for the warm welcome he had received in the country. He stated that he could not prepare objective and complete reports unless he had the chance to confirm the political will of the authorities of the country at the highest level; and it was essential that the existence of discrimination be acknowledged, and that legal measures and strategies be adopted. In the case of Guyana, it had been acknowledged that there was a situation of ethnic polarization in the country. In his interim report (A/58/313), the Special Rapporteur stated that an extremely interesting dynamic had been initiated, which had enabled the Government and stakeholders to maintain a dialogue aimed at dealing with an absolutely unsustainable situation in a country that could not waste its great potential.

39. **Mr. Ndiaye** (Director of the New York office of the Office of the United Nations High Commissioner for Human Rights) clarified that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented reports both to the Commission on Human Rights and to the General Assembly. As for the scope of cooperation between United Nations agencies and the Special Rapporteur, which was constant, without it the Special Rapporteur could not fulfil his mission or work efficiently. United Nations bodies had participated very actively not only in the Conference but also in the follow-up activities, organizing their own round tables, proposing initiatives and preparing publications on issues within their competency. In addition, the Office of the United Nations High Commissioner for Human Rights was working to ensure that the Durban Declaration and Programme of Action was taken into account in United Nations activities, at the executive committee level and in the Secretary General's reform programme.

40. **Ms. Elisha** (Benin) asked for more information on the caste system and its relation to discrimination.

41. **Mr. Andrabi** (Pakistan) wanted to know whether the Special Rapporteur intended to address the issue of the increasingly frequent manifestations of racism and intolerance in politics in the near future. Both recently and in previous reports, the Special Rapporteur had drawn attention to statements of that type issued in the name of democracy by right-wing political sectors and their extremist leaders in a number of countries. Such manifestations were based on intolerance against minorities and immigrants. The Speaker also expressed his concern at the advocacy of racial hatred among intellectuals and leaders, which was going unquestioned, or if questioned went unpunished, under the pretext of not restricting freedom of expression. Clearly there was a need to strike a delicate balance between freedom of expression and the way such freedom was exercised.

42. The speaker also noted that the report for the first time alluded to the use of information technology to promote racial hatred. He fully shared the Special Rapporteur's conclusions on that issue, and wanted to know what measures could be taken to address the problem.

43. **Mr. Luria** (Israel) said that he was deeply concerned by the observation made by the Special Rapporteur in his report (A/58/313) concerning the resurgence of anti-Semitism in Europe, Central Asia and North Africa. He supported the call for urgent attention to be paid to that problem and thanked the Special Rapporteur for the fact that a consultation process had started to gather precise and objective information.

44. **Mr. Salehi** (Islamic Republic of Iran) referred to a very important issue mentioned by the Special Rapporteur himself: the conflict between certain internationally accepted values, such as freedom of expression - a basic and fundamental human right recognized in many international instruments, particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights - and the right for citizens not to be subjected to discrimination on racial grounds. Governments should do everything in their power to prevent discrimination against vulnerable population groups, such as Arabs and Muslims, in certain countries. The Special Rapporteur could issue guidelines to Governments and help them combat racism and racial discrimination, without ceasing to respect citizens' freedom of expression. Article 20 of the International Covenant on Civil and Political Rights stated that any advocacy of national, racial or religious hatred that constituted an incitement to discrimination, hostility or violence should be prohibited by law. That important instrument approved by the international community could provide a basis for the Special Rapporteur to prepare such guidelines.

45. **Mr. Diène** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), replying to the representative of Benin, said that discrimination against castes was particularly serious because it had deep historical and cultural roots, affected entire communities, and existed in many countries of the world, both developed and developing, including in his own country, Senegal. In Japan, for example, there were communities that were profoundly discriminated against for very subtle historical reasons. Thus far the problem had not been directly addressed at its roots, and it could not be resolved through resolutions or directives. It was a complex and dangerous phenomenon that sometimes was not openly manifested, and it needed to be combated more subtly through education. The caste system did not discriminate against an individual directly, but at the social level, which meant that in a country like Senegal, a person could belong to so-called lower castes but still hold the post of prime minister. In countries where there were two parallel societies, the traditional and modern, the population accepted certain elements of modern society that were not accepted in traditional society, for example in relation to marriage.

46. The Special Representative believed that the time had come to face up to the problem. The task could be undertaken as part of the follow-up to the decisions of the Durban Conference, in the framework of the fight against racism and discrimination. He was confident that he would receive the support of the General Assembly and Member States.

47. With regard to the observation made by Pakistan on manifestations of racism in politics, he said that such manifestations against certain communities, religions or groups were even more dangerous when there was intellectual and ideological legitimization, and historical revisionism that aimed to justify them. Moreover, there was not always consistency between political statements and the measures adopted in practice.

48. In his report on the subject, the Special Rapporteur would try to identify the political statements through which all forms of discrimination were condemned, consistently with measures and practices in the legislative and judicial domains. As indicated in the introduction to his report (A/58/313), it was impossible to fight discrimination exclusively through legal measures. It was necessary to reach the deep roots of a society's value system, since discrimination was usually a manifestation of repressed or concealed sentiments that emerged and expressed themselves in specific ideological or political settings.

49. With regard to the issue of races and democracy, the speaker stated that, at the request of the Commission on Human Rights, he was preparing a report on how political parties throughout the world used the racial factor in their propaganda. The dissemination of racist ideas over the Internet was an issue of fundamental importance because it engaged conflicts of values. The international community and Member States should take steps to formulate consistent strategies on issues that were complex, imperceptible, often invisible, but of very far-reaching

consequences. People who used their computer to disseminate propaganda against a race or religion were doing so in a very powerful and effective way, much more than someone who 20 or 30 years ago wrote an isolated article or even a book. Consequently, as it was an issue that had far-reaching repercussions, it required a national, regional and international strategy, which in turn needed collaboration from numerous institutions, particularly those working in the human rights field.

50. Referring to the statement made by Israel, he believed that it was urgent to address the issue of anti-Semitism as exhaustively and objectively as possible, because the issue was being used as a weapon to neutralize criticisms levelled against the policies and practices of certain countries. On the other hand, he saw anti-Semitism as a form of deep historical discrimination; and he had decided that, whenever he visited a country he would hold official meetings with Jewish communities interested in hearing his impressions and experiences, as had happened in Canada.

51. The resurgence of discrimination was linked to anti-Semitism and also with Islamophobia. Based on consultations to be held on the subject, the Special Rapporteur proposed to give an account of the present situation and formulate recommendations, bearing in mind the universal nature of discrimination, the way in which it was manifested in the different continents, and also how it was manipulated for political purposes. Lastly, he stated that his own credibility depended on the quality and accuracy of the information provided to him. For that purpose, he urged Member States to provide him with the most objective information possible on the issues in question, and to encourage the civil society of their countries to participate in that task.

52. **Ms. Al Haj-Ali** (Syrian Arab Republic) replying to the comments made by Mr. Ndiaye, welcomed the fact that the doors had not been closed to non-governmental organizations that wanted to submit reports or provide information. Nonetheless, in the section of the report relating to the implementation of and follow-up to the Durban Programme of Action by those organizations, no mention was made of the relation between them and the problem of Islamophobia. She therefore wish to know if that meant that no attention had been paid to the issue.

53. **Mr. Ndiaye** (Director of the New York office of the Office of the United Nations High Commissioner for Human Rights) replied that there was definitely no intention to exclude people who represented the victims of human rights violations, and, in that case, the victims of racial discrimination and xenophobia. The absence of a specific reference to Islamophobia did not mean that the acts denounced by non-governmental organizations had not been taken into account. Sometimes reference was made to them in other ways. For example, in an allegation of an act of xenophobia, the same person could be both foreign and Muslim at the same time. In most cases, non-governmental organizations referred to those acts in the more general context of discrimination. Personally he did not know of any organization that was exclusively concerned with xenophobia. That did not mean, however, that organizations that studied discrimination in general were not concerned with that issue.

54. **Mr. Kadiri** (Morocco), speaking on behalf of the Group of 77 and China, said that approval by the international community of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was a clear demonstration of the shared commitment to eliminate those terrible evils.

55. The Group of 77 and China recognized the work done by the Working Group on the Comprehensive Implementation of the Durban Declaration and Programme of Action, and asked that their recommendations be applied. It welcomed the appointment by the Secretary General on 16 June 2003 of the five eminent and independent experts who, in cooperation with the High Commissioner for Human Rights, would monitor implementation of the Durban Declaration and Programme of Action. The outstanding experience of that group of high-level experts and their devotion to the fight against racism were sufficient guarantee of the success of their task and full implementation of their mandate.

56. The Group of 77 and China welcomed the holding of the first meeting of the Eminent Persons Group from 16 to 18 September 2003in Geneva, with participation from representatives of Member States, United Nations organizations and civil society. It reiterated that the function of the Working Group of Experts on People of African Descent was essential for implementation of the results of the Durban Conference, and insisted that every possible effort be

made to ensure full and effective implementation of its mandate and recommendations.

57. The Group of 77 and China was deeply concerned by the growing use of new information and communications technologies, especially Internet, to disseminate racist propaganda and slogans, and to instigate xenophobia and racial hatred. Member States should adopt the necessary measures, including legal sanctions to combat the problem.

58. The new information and communications technologies and broadcasting media should serve as tools of education to raise awareness among the public at large, and encourage it to combat racism, racial discrimination, xenophobia and related intolerance, and promote respect for cultural diversity and mutual acceptance.

59. The Group of 77 and China considered it unacceptable for sport to become the scenario of acts of racism and xenophobia. Sport was and should continue to be a means of promoting peace and friendship between human beings in the spirit of honourable competition; specific measures should therefore be taken to prevent acts of that type.

60. The Group of 77 and China were concerned that the objectives of the Programme of Action for the Third Decade to Fight Racism and Racial Discrimination, which ended that year, had not been achieved. The international community needed to redouble its efforts to achieve those objectives in the framework of implementation of the Durban Declaration and Programme of Action.

61. **Mr. Mantovani** (Italy) speaking on behalf of the European Union, said that applicant countries (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia), and associated countries (Bulgaria, Romania and Turkey), together with Iceland and Norway which were members of the European Free Trade Association (EFTA) and the European Economic Area (EEA), also supported that statement.

62. The European Union supported the work of the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and urged all States to fully cooperate with both. It also encouraged the Committee and the Special Rapporteur to continue their fruitful exchange opinions and information, and to meet regularly.

63. The European Union was deeply committed to implementation of the Durban Declaration and Programme of Action; and it supported the monitoring process envisaged in the Programme of Action and reaffirmed in General Assembly resolutions 56/266 and 57/195. Consensus should be based on that process; the European Union would therefore continue to work constructively and constantly to achieve it.

64. The European Union expressed its deep recognition to the Office of the High Commissioner for Human rights for its contribution to the worldwide fight against racism, racial discrimination, xenophobia and related intolerance, and the promotion of equality and non-discrimination, and it reiterated its commitment to continue cooperating with it. It would also continue to collaborate fully with the Anti-Discrimination Unit in support of comprehensive implementation of the Durban Declaration and Programme of Action. The position of the European Union with regard to the Working Group of Experts on Persons of African Descent and the Inter-Governmental Working Group, was expressed clearly during the respective negotiations. As a number of problems concerning the mandates of those two groups remained to be resolved, the European Union was willing to continue deliberations with all delegations on their proposals, in order to re-establish consensus on that important issue.

65. Racism, racial discrimination, xenophobia and related intolerance were incompatible with the principles on which the European Union was founded, fundamentally liberty, democracy, respected for human rights and fundamental freedoms, and the rule of law. The European Union Charter of Fundamental Rights reaffirmed the prohibition of discrimination for any reason. The European Union reiterated that it attached great importance to the fight against all forms of intolerance, and to promotion of intercultural dialogue. Moreover, it was important to ensure that new forms of discrimination were not generated or encouraged in the legitimate fight against terrorism; anti-terrorism measures should be compatible with the rules of international law, particularly those relating to human rights and refugees, and humanitarian law.

66. The European Union reaffirmed its support for the call issued at the Durban Conference for concrete

measures to be taken to eradicate the scourges of anti-Semitism and Islamophobia. It had participated actively in the framework of the Organization for Security and Cooperation in Europe (OSCE) to organize the Special Conference on anti-Semitism, held in June 2003, and the Special Conference on Racism, Xenophobia and Discrimination in September 2003. It wanted to draw attention to the role of the European Monitoring Centre on Racism and Xenophobia in disseminating information on those phenomena and its research and data collection work on the European continent.

67. States should take the necessary measures to combat manifestations of racism propagated through modern information technologies, and, at the same time, uphold the right to freedom of opinion and expression in conformity with international laws. It was also important to highlight the positive role played by communications media and Internet when they rejected racial prejudices and disseminated practices that were suitable for combating intolerance. Racial discrimination was often aggravated by issues of sex, language, religion, opinion (political or other), social origin, sexual orientation, profession, wealth, birth, or some other condition. The situation faced by women warranted special attention. The European Union once again stressed the importance of mainstreaming gender into the formulation and implementation of all measures and policies against racism, in order to ensure that the differences between the situation of men and women were taken into account.

68. Protection of ethnic minorities and indigenous peoples against racism, xenophobia and discrimination was also very important to the European Union. It was one of the four key priorities of the European initiative for democracy and human rights, which had a budget of €26 million to support projects in that domain.

69. The European Union and all its members remained true to their commitment to combat racism, racial discrimination, xenophobia and related intolerance. In the international domain, the European Union had established a legal framework to combat racism and discrimination based on racial or ethnic origin, religion or belief. It was also combating racism through its foreign and common security policy, its expansion process, and its development assistance programmes. Internally, European Union law had been strengthened by the entry into force of a directive on racial equality which aimed to provide a flexible general framework for combating discrimination on the grounds of race or ethnic origin in employment and other domains.

70. The European Union also gave the highest priority to regional cooperation in the fight against racism and discrimination, particularly with the Organization for Security and Cooperation in Europe (OSCE) and the European Council. It supported the important work being carried out in that sphere by the European Commission against Racism and Intolerance, the High Commissioner on National Minorities, the OSCE Office for Democratic Institutions and Human Rights and the European Court of Human Rights. In that regard, the European Union stated that in January 2003 an additional Protocol to the European Convention on Cybercrime had been opened for signing, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

71. The adoption of legislative and administrative measures to combat racism and discrimination was fundamental at the national level. States should create independent and specialized national institutions to combat discrimination and intolerance, and to promote equal opportunities. In countries where independent national human rights institutions already existed, steps should be taken to ensure that those tasks were included in their mandates. It was also important that States adopt national plans of action against racism and discrimination that provided for participation by national human rights institutions and civil society. For such measures to be effective, they needed to be accompanied by preventive actions and strategies that attacked the roots of racism and racial discrimination, and promoted changes in behaviour. Education and training activities were fundamental in that regard.

72. In the Durban Declaration, the international community assumed the commitment to combat racism, racial discrimination, and xenophobia and related intolerance. It was now time to close the gap between principles and practice, and to turn those ideas into real actions.

73. In relation to agenda item 116, the speaker said that the international community should pay particular attention to the right of peoples to self-determination, which was clearly established in the Charter of United Nations, the International Covenant on Civil and Political Rights, and the International Covenant on

Economic, Social and Cultural Rights. In the last few decades, all regions of the world had suffered either directly or indirectly as a result of conflicts, many of them domestic. The primordial function of the United Nations was to ensure respect for that right in accordance with international law.

74. Respect for the right to self-determination was a pre-requisite for holding free, periodic and fair elections in the framework of a democratic society, respect for human rights and fundamental freedoms, accountability in public affairs, and freedom and independence of communications media. Those civil and political rights contributed to the exercise of economic, social and cultural rights, thereby reinforcing the principle that all human rights were interrelated, universal, indivisible and interdependent.

75. The right of peoples to self-determination was one of the obligations of States in the sphere of human rights. The European Union urged all States to fulfil their obligations in that regard, and to cooperate with others to it was upheld throughout the world. Lastly, the European Union reiterated that the right to self-determination included the possibility for any citizen to support or criticize the decisions or actions of the political institutions of his or her country.

76. **Mr. Valle** (Brazil) reaffirmed the commitment of Brazil in the fight against racism, racial discrimination, xenophobia and related intolerance. He welcomed the Secretary General's report on the Third Decade of the Fight against Racism and Racial Discrimination and follow-up to the Durban Conference, and the work done in that area by the Committee on the Elimination of Racial Discrimination, the special procedures of the Commission on Human Rights and the Office of the High Commissioner for Human Rights. Brazil was pleased to have been represented by nationals that participated and contributed to the work of those procedures.

77. Although Brazil's dedication to the fight against racism had been constant, certain recently adopted domestic measures warranted special attention. In May 2003, the Government had established the Office of the Special Secretary for the Promotion of Racial Equality, a body reporting directly to the Office of the President and responsible for coordinating government activities in the fight against racial discrimination. The mandate of the Special Secretary reflected the sincerity with which the Government was addressing the problem of racial discrimination, and its conviction of the need for an agency capable of guiding State policy to eliminate the obstacles to full exercise of all human rights. Other events worth mentioning were the appointment of the first Supreme Court judge of African descent, and development of the national programme of affirmative action, which had resulted in the adoption of special programmes for Afro-descendants in several major universities.

78. Brazil hoped to continue receiving guidance from the General Assembly through the general resolutions it approved each year on the fight against racism and implementation of the Durban programme. It was preparing a resolution to be presented to the General Assembly concerning the incompatibility of democracy and racism, as it believed that the importance of that topic warranted separate treatment. A key idea of the document was that the holding of free and fair elections was not sufficient for a system to be considered democratic, because there were circumstances in which the electoral process could be used to undermine democracy itself. Brazil hoped that the project would receive the same support in the General Assembly as it had received in the Commission on Human Rights.

79. **Mr. Kumalo** (South Africa), speaking on behalf of the Southern African Development Community, said that the Community fully supported the statement made by Morocco on behalf of the Group of 77 and China. It welcomed all progress made since the approval in Durban (South Africa), on 8 September 2001, of the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in which the international community had demonstrated its resolve to combat all manifestations of racism. The Community attached great importance to the Declaration, which provided a solid basis for activities to combat all such evils. Some of its member countries had adopted legislative, judicial and administrative measures that were consistent with the Durban Declaration and Programme of Action. The Community considered that consultations with non-governmental organizations and civil society were important for fostering cooperation, reciprocity and accountability, in order to achieve consensus on implementation of the Declaration and Programme of Action at the national level. It also stressed that legal provisions adopted in that domain should be backed by

concrete measures. Members of the Community were determined to promote social justice and equity, equal opportunities and fair participation by everyone in economic activity. Consequently, the fight against racism needed to include a redistribution of resources to enable the population to contribute to social and economic development and environmental protection.

80. The fact that the international community had progressively recognized the need to implement the Durban Declaration and Programme of Action had given renewed impetus to the fight against new forms of manifestations of racism, racial discrimination, xenophobia and related intolerance. Member States of the United Nations should be aware that, in that struggle, union was strength. In that regard, the Community valued the mechanisms that had been created to closely monitor and effectively implement all the commitments assumed in Durban. It welcomed the fact that the Working Group of Experts on Persons of African Descent had finally been able to start its work and had approved a programme of action to serve as guidelines enabling the experts to work more closely with communities that were victims of discrimination. It was also satisfied by the appointment by the Secretary-General of the members of the Eminent Persons Group as a follow-up observatory to the World Conference against Racism, which had met in Geneva in September 2003, and it approved the conclusions reached at that meeting. It was specially encouraging that the group was going to devote much of its time to seeking practical solutions to help vulnerable groups.

81. The Community also viewed regional initiatives to fulfil the Durban commitments in a positive light. It thanked the Governments of Mexico, Kenya and the Czech Republic which had hosted the regional seminars of experts responsible for forming strategies for that purpose. It also expressed its recognition to the Government of Belgian which would host a similar seminar in Brussels in December 2003 of the Eastern European region. Such initiatives made major contributions to the worldwide campaign to eradicate all forms of racism.

82. The Community recalled that the General Assembly had proclaimed 2004 as the International Year for the Commemoration of the Struggle against Slavery and its Abolition. The preparation by several Member States of national action plans based on the Durban Declaration and Programme of Action was a step in the right direction. It also expressed its recognition of the work done by a number of United Nations organs and specialized agencies, and by international and regional organizations in that regard.

83. The Secretary General's report contained useful information for assessing the scope of the racist scourge that afflicted humanity. The Community encouraged the Special Rapporteur to persevere with his work and address issues that had been ignored so far. Increasing acts of racism, xenophobia and other manifestations of discrimination in sporting events, as mentioned by the Special Rapporteur, were serious cause for concern. It was desirable for communications media to draw attention to such lamentable acts.

84. **Mr. Salehi** (Islamic Republic of Iran) said that contemporary forms of racism, racial discrimination, xenophobia and related intolerance ranged from classical forms of discrimination that had their roots in colonialism, occupation, poverty and doctrines of racial supremacy, to new forms that reflected the negative aspects of globalization and the new technologies, doctrines such as the clash of civilizations, and the tendency to attribute the plans of small terrorist groups to entire communities. To eradicate those scourges, it was necessary to pay due attention to the root causes of racism and racial discrimination, adopt policies and practices to eliminate them, and take measures to support all of their victims.

85. The Islamic Republic of Iran believed cooperation and dialogue, to gain a better understanding the various civilizations and foster a culture of peace and tolerance, would lead to the elimination of all forms of discrimination and xenophobia. As a State that had introduced the doctrine of dialogue between civilizations in the international community, having established the International Centre for Dialogue among Civilizations, Iran reaffirmed the importance of implementing recommendation 14 of the Intergovernmental Working Group on the Comprehensive Implementation of the Durban Declaration and Programme of Action, which had been supported by the Commission on Human Rights, to invite United Nations programmes and organs, particularly UNESCO, to hold high-level and other types of meeting to promote such dialogue.

86. The Durban Declaration and Programme of Action addressed most of the issues relating to the underlying causes of racism and its various manifestations; and it provided all the elements needed

to mobilize efforts and adopt effective measures to eradicate it. The international community should ensure that those texts became a living testimony to their tenacious fight, in the twenty-first century, against such archaic phenomena as racism, racial discrimination, xenophobia and related intolerance. The recommendations of the Durban Conference should be implemented effectively and speedily. Iran, which had participated actively in the Conference and had hosted the preparatory meeting for Asia, would continue to fight against racism and racial discrimination at the national, regional and international levels.

87. With regard to the measures in follow-up to the Durban Declaration and Programme of Action, the Islamic Republic of Iran appreciated the activities undertaken by the High Commissioner, which, among other things, had set up an Anti-Discrimination Unit in his Office and had facilitated the holding of the first session of the Intergovernmental Working Group on the Comprehensive Implementation of the Declaration and Programme of Action. The speaker invited all countries to participate constructively in future sessions of the Working Group, which would have an active role to play in the implementation stage and in overseeing the follow-up measures. It also welcomed the fact that five experts had been appointed to join the Eminent Persons Group as a follow-up observatory to the World Conference against Racism, as envisaged in the Durban Programme of Action.

88. The Islamic Republic of Iran was party to the International Convention on the Elimination of all Forms of Racial Discrimination; and the 16th and 17th periodic reports which were presented to the Committee on the Elimination of Racial Discrimination in accordance with Article 9 of the Convention, contained measures adopted by the Government to implement the Convention, and the Durban Declaration and Programme of Action.

The meeting rose at 6 p.m.